

KEVIN V. RYAN (CSBN 118321)
United States Attorney

EUMI L. CHOI (WVBN 0722)
Chief, Criminal Division

NAHLA RAJAN (CSBN 218838)
Special Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-6838
FAX: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00665 VRW
)	
Plaintiff,)	PROPOSED ORDER AND
)	STIPULATION EXCLUDING TIME
v.)	FROM THE SPEEDY TRIAL ACT
)	CALCULATION
LUIS PEREZ-GONZALEZ,)	(18 U.S.C. § 3161 (h)(8)(A))
(aka Luis Perez Gonzalez),)	
)	
Defendant.)	

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties initially appeared on the instant matter October 14, 2005 for defendant's initial appearance on the complaint, and appeared on October 28, 2005 for defendant's arraignment on the indictment.

2. On October 28, 2005, the matter was continued until November 1, 2005 for initial appearance before the Honorable Vaughn R. Walker. On that date, the matter was continued until November 15, 2005.

3. The parties appeared before the Honorable Vaughn R. Walker on November 15, 2005 for a status conference. Assistant Public Defender Josh Cohen, who represents the defendant,

requested an exclusion of time from November 15, 2005 to January 24, 2006, based on effective preparation of counsel. The parties moved that this same time period be excluded from the calculation of time under the Speedy Trial Act.

4. Defense counsel moved for an exclusion in order to file necessary motions in the case. The proposed motion calendar is as follows: December 27, 2005 as deadline for the opening brief; January 10, 2006 as deadline for the opposition brief; and January 17, 2006 as deadline for the reply brief. A hearing on the motions will be held on January 24, 2006.

5. In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A), (B)(iv). The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

6. For the reasons stated, the time period from November 15, 2005 through January 24, 2006 shall be excluded from the calculation of time under the Speedy Trial Act.

IT IS SO STIPULATED.

DATED: _____

Respectfully Submitted,

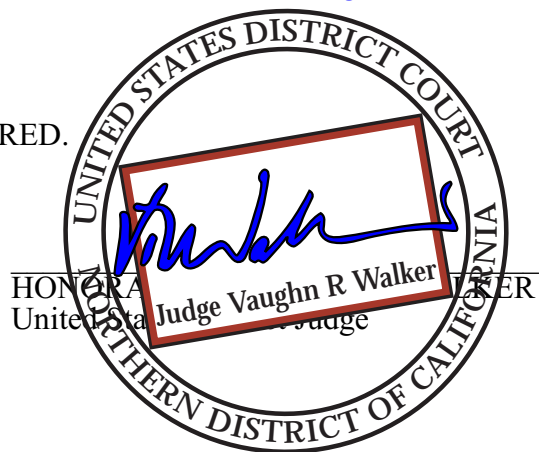
_____/S/
NAHLA RAJAN
Special Assistant United States Attorney

DATED: _____

_____/S/
JOSH COHEN
Counsel for Luis Perez-Gonzalez

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 22, 2005



CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of:

[PROPOSED] ORDER AND STIPULATION EXCLUDING TIME FROM THE SPEEDY TRIAL ACT CALCULATION (18 U.S.C. § 3161 (H)(8)(A))

to be served this date on the party(ies) in this action,

Via Hand Delivery

JOSH COHEN
Assistant Federal Public Defender
450 Golden Gate Avenue, 19th Floor
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: November 18, 2005

_____/S/
Ponly J. Tu
Legal Assistant (Immigration)
U.S. Attorney's Office